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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2352 of 2007

Petitioner — Dhruv Kumar Dubey (D.K. Dubey) Son of Shri R.G. Dubey, aged about 57 years, Resident of Old Sarkanda Shivghat, Bilaspur, Tahsil and District Bilaspur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through The Secretary, Public Works Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Chief Engineer, Public Works Department Bilaspur Range, Bilaspur (C.G.)
3. The Superintending Engineer Bilaspur Circle Bilaspur (C.G.)
4. The Executive Engineer, Public Works Department Division No. 1 Bilaspur (C.G.) (Inquiry Officer)
5. The Sub Divisional Officer, Public Works Department Sub Division No. 1 Bilaspur (C.G.)

Writ petition under Article 226 of the Constitution of India

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**

Present: Mr. Ashok Kumar Shukla, Advocate for the petitioner.
Mr. Arvind Dubey, Panel Lawyer for the State/respondents.

ORDER

(Passed on 16th Day of April, 2007)

1. The petitioner, while working in the office of the Executive Engineer, Public Works Department, Bilaspur, as Assistant Grade-III, was placed under suspension vide order dated 24.11.2006 (Annexure P-1) in view of pendency of Criminal Case No. 36/97 for offences punishable under Section 407, 420, 471, 120-B of the Indian Penal Code.

2. The petitioner challenges the impugned order on the ground that the departmental enquiry pending against him has not been concluded. On reading of the suspension order, it is clear that the order has not been passed in view of pendency of disciplinary proceedings of Rule 9 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 (for brief "the Rules, 1966). The impugned order was passed under provisions of 9(1)(b) of the Rules, 1966.

3. This petition has no merit in the case. Thus, petition is dismissed. No order as to costs.

Consequently, I.A. 01, application for stay/interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Subhash